



## Minutes Town Council Regular Meeting March 10, 2022

Valerie Molina  
Mayor

Ricardo Vital  
Vice Mayor

Mary Bravo  
Councilmember

Gloria Cota  
Councilmember

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

Anita Cota Soto  
Councilmember

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Town Council Chambers  
9241 S. Avenida del Yaqui  
Guadalupe, AZ 85283  
Phone: (480) 730-3080  
Fax: (480)-505-5368

Minutes of the Guadalupe Town Council Regular Meeting held on Thursday, March 10, 2022, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Museum Room, Guadalupe, Arizona.

A. Mayor Molina called the meeting to order at 6:04 p.m.

### B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina. The following councilmembers participated via video conference: Vice Mayor Ricardo Vital, Councilmember Mary Bravo, Councilmember Gloria Cota, and Councilmember Elvira Osuna

Councilmembers Absent: Councilmember Joe Sánchez and Councilmember Anita Cota Soto

Staff Present: Jeff Kulaga – Town Manager / Clerk, and Jennifer Drury – Assistant to the Town Manager, and David Ledyard – Town Attorney

### C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Bravo provided the invocation. Mayor Molina then led the Pledge of Allegiance.

### D. APPROVAL OF MINUTES

1. Approval of the February 16, 2022, Town Council Special Meeting Minutes.

**Motion by Councilmember Bravo to approve agenda item D1; second by Councilmember Cota. Motion passed unanimously on a voice vote 5-0.**

1. Councilmembers approved the February 16, 2022, Town Council Special Meeting Minutes.

### E. CALL TO THE PUBLIC

No one spoke. Mayor Molina announced that Town Hall is open and that the public is welcome to address the Council in person or via e-mail.

### F. MAYOR and COUNCIL PRESENTATIONS

Mayor Molina read a Proclamation declaring Friday, March 11, 2022 Kylan Chait Day in the Town of Guadalupe. Mr. Chait serves as the Valley Youth Theatre Student Director.

### G. DISCUSSION AND POSSIBLE ACTION ITEMS

#### 1. PUBLIC HEARING – REZONING REQUEST FOR 9016 SOUTH CALLE VAUO NAWI

Mayor Molina stated that this is a public hearing for a rezoning request of the 6,207 square foot property located at 9016 South Calle Vaou Nawi from R-1-9 Single Family Residential to R-1-6 to Single Family Residential. The property is presently zoned R-1-9, Single-family Residential and rezoning the property to R-1-6 aligns the 6,207 square foot lot with compatible zoning requirements. The Applicant is Rosalio Mondragon. *(related to item G2)*



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Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is a public hearing concerning a rezoning request.

**Motion by Councilmember Bravo to open the public hearing; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 5-0.**

Mr. Kulaga provided a slide presentation and stated that the rezoning request is to change the zoning at 9016 South Calle Vaou Nawi from R-1-9 to R-1-6. He displayed building elevations, square footage, and various elements of the proposed new home. R-1-9 zoning is one home per 9,000 square feet per lot. The subject lot is 6,200 square feet, which meets the R-1-6 minimum yard setbacks in the Town Zoning Code. Staff recommends approval of the rezoning request.

Rosalio Mondragon, Applicant, stated that the project will not impact the neighbors.

In response to questions, Mr. Mondragon confirmed that the property owner intends to sell the home after it has been built, and that he has built other homes in Guadalupe.

Mr. Ledyard stated that if the zoning is not changed, then nothing will be built on the property due to the property not being in compliance with the existing R-1-9 zoning.

In response to a question, Mr. Mondragon stated that it is anticipated that the home would be built in approximately 6 months if a variance is granted.

Jessie Arias, speaker, voiced his support of the variance request.

In response questions, Mr. Kulaga stated that emergency vehicle access will not be impacted. In this case, rezoning is more appropriate than a variance. If the home is built to meet the Town Code requirements, the risk of a fire impacting the neighbors should be minimal. The minimum distance between homes is 5'. Distance between properties in R-1-9 zoning is 10', and 7' in R-1-6 zoning. R-1-6 zoning is more appropriate for this project.

**Motion by Councilmember Bravo to close the public hearing; second by Councilmember Cota. Motion passed unanimously on a voice vote 5-0.**

Councilmembers held a public hearing for a rezoning request of the 6,207 square foot property located at 9016 South Calle Vaou Nawi (APN 301-06-215) from R-1-9 Single Family Residential to R-1-6 Single Family Residential. The property is presently zoned R-1-9, Single-family Residential and rezoning the property to R-1-6 aligns the 6,207 square foot lot with compatible zoning requirements. The Applicant is Rosalio Mondragon. *(related to item G2)*

## **2. REZONING REQUEST – 9016 SOUTH CALLE VAOU NAWI**

Mayor Molina stated that this agenda item is for Council to consider approving or denying a rezoning request for 9016 South Calle Vaou Nawi from R-1-9 Single Family Residential to R-1-6 Single Family Residential. If approved, rezoning the property to R-1-6 aligns the 6,207 square foot lot with compatible zoning requirements to build a single-story home. *(related to item G1)*

Jeff Kulaga, Town Manager / Clerk stated that the rezoning request is to change the zoning at 9016 South Calle Vaou Nawi from R-1-9 to R-1-6. The applicant and a neighbor have provided input. Staff recommends that the rezoning request be approved.

**Motion by Councilmember Bravo to approve agenda item G2; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 5-0.**



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Councilmembers approved a rezoning request for 9016 South Calle Vauro Nawi (APN 301-06-215) from R-1-9 Single Family Residential to R-1-6 Single Family Residential. If approved, rezoning the property to R-1-6 aligns the 6,207 square foot lot with compatible zoning requirements to build a single-story home. *(related to item G1)*

### **3. TOWN CEMETERY HISTORIC DESIGNATION (RESOLUTION NO. R2022.07)**

Mayor Molina stated that this agenda item is for Council to consider adopting a resolution approving nomination of the Guadalupe Town Cemetery, located at 4649 South Beck Avenue in Tempe, Arizona to the National Register of Historic Places and the City of Tempe Historic Property Register.

Karl Hoerig, Pascua Yaqui Tribe Tribal Historic Preservation Officer, stated that he has drafted the national register nomination documentation and a letter nominating the Guadalupe cemetery for the City of Tempe Historic Property Register. Mr. Hoerig stated that he is seeking the support of the Guadalupe Town Council to submit nomination documentation to the national register as well as to the City of Tempe.

Mr. Hoerig discussed the nomination process and timeline for national and local entities. The City of Tempe requires a waiver of rights and remedies relating to the Private Property Rights Protection Act.

In response to questions, Mr. Hoerig stated that if repairs are needed or equipment replaced in the cemetery, as long as they are items that do not contribute to the historic designation, it should not be a problem. Replacement of the cemetery gates and the ramada should not be an issue. It would be a problem if the Town decided to discontinue utilizing the cemetery as a cemetery. Once a property has been added to the national or local historical registers, the property is flagged for development within its vicinity. Mr. Hoerig confirmed that installing flag poles at the cemetery would not be a problem. At the point when the cemetery is full, it will continue to be eligible to remain on the national and local historic registers. Historic designations help the community understand the cultural value of historic properties. Federal funding is available for historically designated properties.

**Motion by Vice Mayor Vital to approve agenda item G3; second by Councilmember Osuna.  
Motion passed unanimously on a voice vote 5-0.**

Vice Mayor Vital noted that the Guadalupe Cemetery is located in the City of Tempe, but it is owned by the Town of Guadalupe.

Councilmembers adopted **RESOLUTION NO. R2022.07** approving nomination of the Guadalupe Town Cemetery, located at 4649 South Beck Avenue in Tempe, Arizona to the National Register of Historic Places and the City of Tempe Historic Property Register.

### **4. SALE OF TOWN-OWNED PROPERTY TO GUADALUPE COMMUNITY DEVELOPMENT CORPORATION (RESOLUTION NO. R2022.05)**

Mayor Molina stated that this agenda item is for Council to consider adopting a resolution authorizing the Mayor, or designee, to sign any and all documents necessary for the sale of Town-owned property, located at 5603 East Calle Iglesia to the Guadalupe Community Development Corporation (GCDC) for \$65,000. The GCDC will then lot split the parcel into two or three individual properties for the construction of affordable single-family housing.

Jeff Kulaga, Town Manager / Clerk, stated that this agenda item is similar to item G5, both of which are for the sale of town-owned property. There are two separate addresses and separate parcel numbers with the Maricopa County Assessor's Office. Agenda item G4 is located at 5603 East Calle Iglesia, 14,636 square feet, and G5 is located at 5604 East Calle Mexico, 16,357 square feet. There is an alley between the properties. The Guadalupe Community Development Corporation (GCDC) intends to build



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up to three homes on each lot. The lots will be subdivided into separate parcel numbers and be assigned their own address per parcel.

By way of background, Mr. Kulaga stated that the Town issued a request for proposals in April, 2021 for development on town-owned land. The GCDC submitted a response to the proposal for these two parcels of town-owned land. Staff is proposing that each of the parcels be sold to GCDC for \$65,000 each in exchange for GCDC to build single family owner occupied homes for Guadalupe families that are eligible to participate in the affordable housing program. Building permits must be obtained within two years or the land titles and deeds would revert back to the Town. Staff recommends approval of agenda items G4 and G5.

Steve Langstaff, GCDC Director, stated that housing program participants must meet the income eligibility criteria in order to participate in the program. Mortgage companies prepare 30-year loan packages. Forgivable loans are also available. Families would have to live in the home or pay back the forgivable loan if they wish to move out. In situations where the home occupant discontinues making house payments, then the mortgage company would prepare a foreclosure and the GCDC would have the opportunity to purchase the property from the mortgage company. In cases where a forgivable loan were to stop being paid, the mortgage company would file a property lien, and GCDC could purchase the home from the mortgage company. There could be situations where a trustee sale could occur if a tenant defaults on their mortgage. If that were to occur, the home could be purchased by an investor.

In response to a question, Mr. Kulaga noted that the marquee located on one of the lots will be removed. A new marquee will be installed on Town Hall property.

In response to questions, Mr. Langstaff stated that there is an application process for the affordable housing program. Applications are available online and in Guadalupe Town Hall.

**Motion by Councilmember Bravo to approve agenda item G4; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 5-0.**

Councilmembers adopted **RESOLUTION NO. R2022.05** authorizing the Mayor, or designee, to sign any and all documents necessary for the sale of Town-owned property, located at 5603 East Calle Iglesia (APN 301-06-141) to the Guadalupe Community Development Corporation (GCDC) for \$65,000. The GCDC will then lot split the parcel into two or three individual properties for the construction of affordable single-family housing.

#### **5. SALE OF TOWN-OWNED PROPERTY TO GUADALUPE COMMUNITY DEVELOPMENT CORPORATION (RESOLUTION NO. R2022.06)**

Mayor Molina stated that this agenda item is for Council to consider adopting a resolution authorizing the Mayor, or designee, to sign any and all documents necessary for the sale of Town-owned property, located at 5604 East Calle Mexico to the Guadalupe Community Development Corporation (GCDC) for \$65,000. The GCDC will then lot split the parcel into two or three individual properties for the construction of affordable single-family housing.

In response to a question, Steve Langstaff, Guadalupe Community Development Corporation (GCDC) Director, stated that GCDC currently has funding available to build three homes. GCDC has pending applications with Maricopa County for funding the remaining three homes.

**Motion by Vice Mayor Vital to approve agenda item G5; second by Councilmember Osuna. Motion passed unanimously on a voice vote 5-0.**

Councilmembers adopted **RESOLUTION NO. R2022.06** authorizing the Mayor, or designee, to sign any and all documents necessary for the sale of Town-owned property, located at 5604 East Calle Mexico (APN 301-06-142) to the Guadalupe Community Development Corporation (GCDC) for





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\$65,000. The GCDC will then lot split the parcel into two or three individual properties for the construction of affordable, single-family housing.

## 6. COVID-19 ACTION UPDATE

Mayor Molina called upon Jeff Kulaga, Town Manager / Clerk to will present an update regarding current Town of Guadalupe COVID-19 positive case rates, scheduled testing, vaccination information, Town services and steps taken to safeguard public health and safety in response to the Coronavirus.

Mr. Kulaga stated that the Town's vaccination rate is at 50.4%. A vaccination clinic is scheduled for Saturday, March 26.

A Councilmember noted that the vaccination clinics will be held once a month, beginning in May.

## 7. CONSIDERATION OF REOPENING THE MERCADO – 9201 SOUTH AVENIDA DEL YAQUI

Mayor Molina stated that this agenda item is for Council to consider reopening the Mercado patio and multi-purpose room for private/public event rental.

Jeff Kulaga, Town Manager / Clerk, stated that Councilmembers last considered reopening the Mercado on January 13, 2022. At that time, Council decided to suspend and cancel events through March 2022. Staff is receiving inquiries on a regular basis regarding when the Town will begin accepting reservations for the Mercado. Staff is recommending reinstating the permitting of public/private events at the Mercado, and Biehn and Stottlemire Parks beginning on May 1, 2022. Little League is scheduled to begin on March 19 at Stottlemire Park.

Mayor Molina read an e-mail into the record requesting that Town venues be reopened for events beginning in April due to the declining rate of COVID-19 infections.

Daniel Perez, speaker, stated that he coordinates various events in Guadalupe and would be supportive of the Council reopening its venues for events.

Councilmembers noted that the car show would not be an option along Avenida del Yaqui due to roadway construction and voiced support for waiting to reopen Town venues until after Easter. Socially distancing at Little League games would be manageable.

Daniel Perez, speaker, stated that surrounding communities have begun reopening their venues.

Councilmembers voiced caution about youth potentially transmitting the virus to elders; and, that a 50% vaccination rate is not high enough. Masks and social distancing have been discontinued in schools and other venues and youth are engaging in school sports. Councilmembers noted that keeping the community safe is a priority.

In response to questions, Mr. Kulaga stated that Little League is planning their opening day on March 19, 2022. If Little League is not allowed the use of Stottlemire Park, it is unclear if the team will be able to lease field space or play other teams during the season.

**Motion by Vice Mayor Vital to reopen the mercado multi-purpose room and patio for private/public rental and the Town-owned ball parks beginning on May 1, 2022, except for Little League, which may begin immediately; second by Councilmember Bravo. Motion passed unanimously on a voice vote 5-0.**

Councilmembers emphasized that it is the responsibility of parents and guardians to ensure that the Little League teams have a safe environment to compete.



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#### **8. ASSESSMENT LIEN MODIFICATION AGREEMENT (RESOLUTION NO. R2022.09)**

Mayor Molina stated that this agenda item is for Council to consider adopting a resolution to approve an Assessment Lien Modification Agreement (Agreement) and settlement in the amount of \$2,500 from Robert Fabrizio to the Town of Guadalupe (Town) for the property located at 5719 East Calle Magdalena. Payment to the Town is for the Town taking property abatement action to clear said property.

David Ledyard, Town Attorney, stated that the town has a recorded assessment lien on a property that the Town cleared of debris at the expense of the Town. During the time that the Town recorded a \$5,500 lien, a new buyer purchased the property. To avoid potential litigation, the new property owner and the Town have agreed that the amount owed to the Town at this time is \$2,500; and, that the new buyer has a two-year window to sell the property and pay the remaining balance of the lien to the Town. If that does not occur, then the lien will begin accruing interest. Currently, the parcel is an empty lot. Tax lien data is privileged information.

In response to a question, Mr. Ledyard detailed the timeline involved in the tax lien process.

**Motion by Councilmember Bravo to approve agenda item G8; second by Vice Mayor Vital.  
Motion passed unanimously on a voice vote 5-0.**

Councilmembers adopted **RESOLUTION NO. R2022.09** to approve an Assessment Lien Modification Agreement (Agreement) (C2022-09) and settlement in the amount of \$2,500 from Robert Fabrizio to the Town of Guadalupe (Town) for the property located at 5719 East Calle Magdalena (APN 301-06-078). Payment to the Town is for the Town taking property abatement action to clear said property.

#### **9. CHIEF FISCAL OFFICER DESIGNATION (RESOLUTION NO. R2022.04)**

Mayor Molina stated that this agenda item is for Council to consider adopting a resolution designating Jeff Kulaga, Town Manager/Clerk as the Chief Fiscal Officer. The Chief Fiscal Officer is responsible for officially submitting the Fiscal Year 2023 Expenditure Limitation Report to the Auditor General.

Jeff Kulaga, Town Manager / Clerk, stated that cities and towns are required by the Auditor General's Office to identify their respective Chief Fiscal Officer (CFO). This agenda item designates Jeff Kulaga, Town Manager / Clerk, as the CFO for fiscal year, 2022/2023.

**Motion by Councilmember Bravo to approve agenda item G9; second by Councilmember Osuna.  
Motion passed unanimously on a voice vote 5-0.**

Councilmembers adopted **RESOLUTION NO. R2022.04** designating Jeff Kulaga, Town Manager/Clerk as the Chief Fiscal Officer. The Chief Fiscal Officer is responsible for officially submitting the Fiscal Year 2023 Expenditure Limitation Report to the Auditor General.

#### **10. CHIEF FISCAL OFFICER DESIGNATION (RESOLUTION NO. R2022.08)**

Mayor Molina stated that this agenda item is for Council to consider adopting a resolution to repeal and replace Resolution No. 2021.01 adopted by Town Council on February 25, 2021, designating the Town Manager / Clerk as the Chief Fiscal Officer and replacing Resolution No. R2021.01 with Resolution No. R2022.08. Resolution No. R2022.08 designates Jeff Kulaga, Town Manager / Clerk, as the Chief Fiscal Officer who is responsible for officially submitting the Fiscal Year 2022 Expenditure Limitation Report to the Auditor General.

Jeff Kulaga, Town Manager / Clerk, stated that last year Council adopted a resolution designating the Town Manager / Clerk as the Chief Fiscal Officer (CFO), without naming a specific individual. The Auditor General's Office has indicated that a specific person must be named under their requirements.



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This agenda item is to designate Jeff Kulaga, Town Manager / Clerk, as the CFO for fiscal year 2021/2022.

**Motion by Councilmember Bravo to approve agenda item G10; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 5-0.**

Councilmembers adopted **RESOLUTION NO. R2022.08** to repeal and replace Resolution No. 2021.01 adopted by Town Council on February 25, 2021, designating the Town Manager / Clerk as the Chief Fiscal Officer and replacing Resolution No. R2021.01 with Resolution No. R2022.08. Resolution No. R2022.08 designates Jeff Kulaga, Town Manager / Clerk, as the Chief Fiscal Officer who is responsible for officially submitting the Fiscal Year 2022 Expenditure Limitation Report to the Auditor General.

#### 11. CLAIMS

Mayor Molina stated that this agenda item is for Council to consider approving the check register for February 2022, totaling \$541,298.55.

**Motion by Councilmember Bravo to approve agenda item G11; second by Councilmember Osuna. Motion passed unanimously on a voice vote 5-0.**

Councilmembers approved the check register for February 2022, totaling \$541,298.55.

#### H. TOWN MANAGERS' COMMENTS

Jeff Kulaga, Town Manager / Clerk

- The Town has received a grant from the federal government for \$501,000 for the relighting and relamping the Highline Canal. He thanked Congressman Ruben Gallego for his assistance in this endeavor. Dibble Engineering has prepared the engineered drawings for this project. The process began in August 2021. Construction will begin this year. The existing solar panels and batteries have been a target of vandalism and theft. The new lighting system will improve safety.
- Beginning Friday, March 11, the street lighting on the east side of Avenida del Yaqui will be removed and replaced. The impacted section of Avenida del Yaqui will not be lit during this project, which is scheduled for completion on April 7.

#### I. COUNCILMEMBERS' COMMENTS

Councilmember Bravo

- Thanked staff for their work.
- Councilmembers must make difficult decisions.
- Encouraged everyone to get vaccinated.

Councilmember Cota

- Councilmembers must make difficult decisions.

Councilmember Sánchez

- Thanked staff for their work.
- Thanked Mr. Kulaga for his dedication to the community.

Vice Mayor Vital

- Thanked staff for their work.
- Encouraged everyone to stay healthy and to get vaccinated.

Mayor Molina

- There will be an increased police presence in Town for upcoming events.
- Encouraged everyone to be cautious in construction zones and to report crime. Recently, nearly \$5,000 in concrete was stolen from the Avenida del Yaqui Street Improvement Project.
- Thanked staff for their work.



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J. ADJOURNMENT

**Motion by Vice Mayor Vital to adjourn the Regular Council Meeting; second by Councilmember Osuna. Motion passed unanimously on a voice vote 5-0.**

The meeting was adjourned at 8:11 p.m.

Valerie Molina, Mayor

ATTEST:

Jeff Kulaga, Town Manager / Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the March 10, 2022, Town of Guadalupe, Town Council Regular Meeting. I further certify the meeting was duly called and held, and that a quorum was present.

Jeff Kulaga, Town Manager / Town Clerk